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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER KENT
PENDLETON,

Defendant and Appellant.

B290395

(Los Angeles County
Super. Ct. No. GA100689)

THE COURT:*

Defendant Christopher Kent Pendleton appeals from his conviction of one count of second degree robbery (Pen. Code, § 211), including the special allegation that he personally used a deadly and dangerous weapon in the commission of the offense (Pen. Code, § 12022, subd. (b)(1)). His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*),

raising no issues. On November 29, 2018, defendant was notified of his right to file a supplemental brief and to request the court to have present counsel relieved if he so desires. Over 30 days later, defendant has submitted nothing. Having reviewed the entire record pursuant to *Wende*, we find no arguable issues that would call into question the validity of the convictions or sentence. Accordingly, we affirm the judgment.

In February 2017, defendant walked into a Burbank grocery store with a friend. The pair filled two shopping baskets with bottles of liquor, and walked out to the rented U-Haul truck they had parked nearby. They were followed by Daniel Bonilla (“Bonilla”), an asset protection detective employed by the grocery store.

Defendant got in the truck, but Bonilla stopped the friend before he could follow. When Bonilla questioned the friend about the basket of liquor, the friend became combative. As Bonilla struggled to detain the friend with a chokehold, defendant got out of the truck, walked to within three feet of Bonilla, brandished a knife, and told Bonilla to let the friend go because “it wasn’t worth it.” Bonilla complied, and both defendant and the friend got back in the truck. When Bonilla again attempted to stop them, defendant and the friend threw debris at Bonilla before driving away with both baskets of liquor.

The People charged defendant with one count of second degree robbery, a felony, and further alleged that defendant personally used a knife, a deadly and dangerous weapon within the meaning of Penal Code section 12022, in the commission of the offense.

The matter proceeded to a jury trial. At trial, Bonilla testified that when he tried to recover the stolen goods from

defendant's friend, defendant drew a knife and threatened him. The People also introduced authenticated video footage of defendant and his friend taking the liquor out of the store, as well as Bonilla's prior identifications of defendant from a six-pack photographic lineup. Defendant testified in his own defense. He admitted to stealing the liquor, but denied both confronting Bonilla and using a knife to effect the theft.

The jury convicted defendant of second degree robbery, and found true the special allegation that defendant used a knife. The trial court then sentenced defendant to a total of three years in state prison, ordering a low-term two-year base sentence with an additional year for the special allegation.

We have reviewed the entire record pursuant to *Wende* and find no arguable issues on appeal. (*People v. Kelly* (2006) 40 Cal.4th 106.) Bonilla's testimony constitutes substantial evidence supporting both the sole count of conviction and the special allegation. (Evid. Code § 411; *People v. Delacerda* (2015) 236 Cal.App.4th 282, 294.) The conviction is also supported by video and photographic evidence that corroborates parts of Bonilla's testimony, as well as defendant's testimony conceding the theft.

Additionally, we have identified no procedural defects that warrant relief: the jury was properly instructed on all the charged offenses and allegations, including instruction on the available lesser charge of petty theft; the trial court's evidentiary rulings were within its discretion; and the sentence was properly issued and accurately recorded.

The judgment is accordingly affirmed.

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LUI, P. J.,

ASHMANN-GERST, J.,

HOFFSTADT, J.